



भारत का राजपत्र

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प्रधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संलग्न दी जाती है जिससे कि यह असता संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

LOK SABHA

The following Bill was introduced in Lok Sabha on 27th April, 1992:—

BILL No. 77 OF 1992

A Bill to amend the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985.

Be it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. This Act may be called the Bhopal Gas Leak Disaster (Processing of Claims) Amendment Act, 1992.

Short title.

2. In section 6 of the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 (hereinafter referred to as the principal Act), after sub-section (4), the following sub-section shall be inserted, namely:—

Amend-
ment of
section 6.

“(5) The Commissioner and the officers subordinate to him authorised to discharge functions under the Scheme shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973.”.

3. In section 7 of the principal Act, after the words “not below the rank of a Secretary to that Government”, the words “or the Commissioner” shall be inserted at the end.

Amend-
ment of
section 7.

STATEMENT OF OBJECTS AND REASONS

The Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 confers certain powers on the Central Government to secure that claims arising out of, or connected with, the Bhopal Gas Leak Disaster are dealt with speedily, effectively, equitably and to the best advantage of the claimants and for matters incidental thereto. Section 6 of the Act provides for appointment of a Commissioner for the welfare of the victims and other officers and employees to assist him. Section 7 of the Act provides for delegation by the Central Government of all or any of its powers under the Act except those specified in section 9 to the Government of Madhya Pradesh or an officer of the Central Government not below the rank of a Joint Secretary to that Government or an officer of the Government of Madhya Pradesh not below the rank of a Secretary to that Government.

2. Since the Commissioner for the welfare of the victims is the person in-charge of implementing the Bhopal Gas Leak Disaster (Registration and Processing of Claims) Scheme, framed under the Act, and for disbursement of the compensation amount, it is considered necessary that he should also be included among the authorities who can be delegated powers by the Central Government under section 7 of the Act. Accordingly, the Act is proposed to be amended so that the powers could be delegated to the Commissioner for the administration of the Scheme.

3. The Commissioners, Additional Commissioners and Deputy Commissioners are to exercise quasi-judicial functions under the Act and the proceedings before them would be judicial proceedings. For reasons of functional necessity, it is proposed to declare them as civil courts for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973, which provides for prosecution for contempt of lawful authority of public servants for offences against public justice and for offences relating to documents given in evidence and for dealing with offences affecting the administration of justice.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
The 8th April, 1992.

CHINTA MOHAN.

C. K. JAIN,
Secretary-General.